



RAI-PA-010

SUPPORTING STATEMENT

Application for a Certificate of Lawfulness

At 10 Elizabeth Drive, Oadby, Leicester, LE2 4RD

OCTOBER 2023

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1. INTRODUCTION

- 1.1 This supporting Statement has been prepared by Leicester Architectural Designs Ltd on behalf of Mr & Mrs Rai in relation to an application for a Certificate of Lawfulness for a proposed outbuilding within the rear garden of 10 Elizabeth Drive, Oadby, Leicester (“the site”). The outbuilding would provide a gym, shower room and garden machinery storage.
- 1.2 The application is submitted to Oadby & Wigston Borough Council as the determining Local Planning Authority (“the LPA”).
- 1.3 A plan identifying the extent of the application site is shown below.



- 1.4 10 Elizabeth Drive is a large detached dwelling, located in an established residential area in the large town of Oadby, Leicester.
- 1.5 The application seeks a Certificate to ascertain whether it is lawful to provide the proposed outbuilding under Schedule 2, Part 1, Class E of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (“GPDO”), which permits outbuildings provided that they are for a purpose “incidental to the enjoyment of the dwellinghouse” and that satisfy various size and locational criteria as set out in the Order.

1.6 Aside from this Supporting Statement which demonstrates that the proposed outbuilding is permitted development under the GPDO, the following documents are also submitted to aid the LPA in their determination of the application.

- Site Location Plan
- Site Layout Plans
- Proposed Plans and Elevations
- Fee of £103.00

2. BASIS FOR DETERMINATION

2.1 The application is submitted under the provisions of s.192 (1) (b) (Certificate of Lawfulness of Proposed Use or Development) of the Town and Country Planning Act 1990 (as amended by s.10 of the Planning and Compensation Act 1991). Section 192 paragraph (1) specifies the circumstances in which a Certificate can be granted. These are that:

“If a person wishes to ascertain whether-

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, or, over or under land,

Would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.”

2.2 In this case, the Applicants consider that the proposed outbuilding is permitted development under Schedule 2, Part 1, Class E of the GPDO and a Certificate should be granted on that basis.

3. PERMITTED DEVELOPMENT

3.1 The following paragraphs set out how the proposed outbuilding meets the various criteria set out in Class E and is therefore permitted development.

Incidental to the enjoyment of the dwellinghouse

3.2 The proposed outbuilding will provide a gym, shower room and garden store to serve the occupiers of the main dwelling.

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3.3 There will be no primary living accommodation (such as a kitchen and bedrooms) within the outbuilding and the facilities that are being provided are wholly of a scale and nature that are incidental to the main house.

3.4 There will be no change to the planning unit as the outbuilding will be used wholly in association with the main house.

Size & Location Criteria

(b) The floorspace of the proposed outbuilding (and existing garage) will not exceed 50% of the remaining curtilage of the dwelling.

(c) The outbuilding is located in the rear garden and not on land to the front of the principal elevation.



(d) The building is single storey.

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(e) As shown on the submitted elevations, the ridge height of the outbuilding does not exceed 3 meters in height (flat roof) and is set in from all boundaries by at least 2 meters.

(g) The main dwelling is not a listed building.

(h) The outbuilding does not include a veranda, balcony or raised platform.

(i-j) N/A

The land is not within a conservation area.

4. SUMMARY AND CONCLUSION

4.1 It has been demonstrated above that the proposed outbuilding as shown within the drawings accompanying this application is permitted development under Schedule 2, Part 1, Class E of the GPDO.

4.2 As such a Certificate of Lawfulness for the proposed outbuilding should be issued under s.192 of the Town and Country Planning Act.

I 'APPENDICIES' - PROPOSALS

Please refer to full set of architectural drawings (LAD) all submitted as part of the planning application to the LPA.

- LAD drawing – RAI-PA-50-SITE PLANS
- LAD Drawing – RAI-PA-100-PROPOSED PLANS AND ELEVATIONS

